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EXAMINER

PHAM, MICHAEL

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,915	Applicant(s) YOSHIMURA ET AL.	
	Examiner Michael D. Pham	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

1. Claims 1 - 21 have been examined.
2. Claims 1 - 21 are pending.
3. Claims 1 - 21 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 15, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6950847 by Harrisville-Wolff (hereafter Wolff) in view of U.S. Patent 5761496 by Hattori (hereafter Hattori).

Claim 1:

Wolff discloses, a service retrieval apparatus which provides a retrieval service for retrieving a service provided by a server connected to a network in response to a request from a client and returning a result of the retrieval [Wolff, Abstract, a service providing system], comprising:

retrieval means which sets retrieval conditions according to the request from said client and retrieves a service based upon the set retrieval conditions [Col. 6 lines 17-25, Wolff. The service requests (service request coming from client) typically will include information indicating (i.e. condition) the type of service desired or the functions the service preferably will perform. The service request information preferably is adequate to allow the service manager 160 to match or filter the service requests against services that have been registered with the service manager 160 and are known to be available.]; **and**

However, Wolff does not explicitly disclose a

retrieval result judgment means which judges whether or not a result of the retrieval by said retrieval means satisfies judgment criteria set in advance, wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval conditions and performs retrieval again.

On the other hand, Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the

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condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).

Therefore it would have been obvious to one of ordinary skill at the time the invention was made to modify Wolff to include the steps of **retrieval result judgment means which judges whether or not a result of the retrieval by said retrieval means satisfies judgment criteria set in advance, wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval conditions and performs retrieval again**, based on the disclosure of Hattori for the purpose of the "...specify[ing] an appropriate retrieval condition which precisely indicates what information he really wants and what he knows about the information to be retrieved." (Hattori, Col. 2 lines 10-12) This would solve the problem such as a "less restrictive" condition returning more data items than are expected by the user, In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items (Hattori, Col. 1 lines 38-47).

Claim 2:

Wolff modified with Hattori discloses **the service retrieval apparatus according to claim 1 and furthermore disclose, wherein, when it is judged by said retrieval result judgment means that the number of services included in the retrieval result has not reached the lower limit number of services set as the judgment criteria, said retrieval means changes the retrieval conditions so as to be wider and performs retrieval again** [Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies

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parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).].

Claim 3:

Wolf modified with Hattori disclose **the service retrieval apparatus according to claim 2, wherein said retrieval means performs retrieval with respect to a new retrieval range excluding the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47. "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items. And a "too restrictive" condition returning less data items than are expected by the user." (i.e. retrieves at different ranges with different retrievals.)].

Claim 4:

Wolff modified with Hattori disclose **the service retrieval apparatus according to claim 1, wherein, when it is judged by said retrieval result judgment means that the number of services included in the retrieval result has exceeded the upper limit number of services set as the judgment criteria, said retrieval means changes the retrieval conditions so as to be**

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narrower and performs retrieval again [Hattori, Col. 1 lines 38-47. "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.].

Claim 5:

Wolff modified with Hattori, disclose **the service retrieval apparatus according to claim 4, wherein said retrieval means performs retrieval with respect to a new retrieval range excluding the range for which retrieval has already been performed** [Hattori, Col 7 lines 25-35. new retrieval of results based on new conditions] .

Claim 6:

Wolff modified with Hattori **the service retrieval apparatus according to claim 4, wherein said retrieval means performs narrowing-down retrieval of the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47, "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.].

Claim 7:

Wolff modified with Hattori disclose **the service retrieval apparatus according to claim 1, further comprising reply means which rearranges the result of the retrieval by the retrieval means based upon values with respect to attribute items included in the retrieval conditions, and then returns the retrieval result to said client** [Hattori, Col. 11 lines 39-61.

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The retrieval request input section 110 has a retrieval request consisting of an attribute, the value of the attribute (keyword), and its importance degree. There exists a conceptual hierarchy 310 of the attribute 1 as the background knowledge corresponding to the attribute 1 and, in the conceptual hierarchy 310, there are low level attribute values--"apple", "strawberry", and "pear"--of the attribute value "fruit" therefore there is an arrangement of values of attributes.].

Claim 15:

Wolff discloses **a client apparatus which retrieves a service provided by a server connected to a network in response to a service retrieval request and sends the service retrieval request to a service retrieval apparatus providing a retrieval service for returning a result of the retrieval** [Wolff, Abstract, service providing system], comprising:

retrieval result receiving means which receives a retrieval result sent from said service retrieval apparatus in response to the service retrieval request [Wolff, Col. 3 lines 29-33.

The client system includes a virtual service mechanism for registering as a recipient with the service manager, transmitting the service requests, and recognizing and executing the service proxies received in response to the service requests (i.e. has received retrieval results from service requests).];

Wolff does not explicitly disclose **selection means which selects an attribute item, magnitudes of which can be compared, from attribute items included in retrieval conditions of the service; and output means which rearranges a plurality of items of service**

information included in the retrieval result based upon values of the attribute items selected by said selection means included in each item of service information to output the service information.

However, Hattori discloses [Hattori, Col. 11 lines 39-61. The retrieval request input section 110 has a retrieval request consisting of an attribute, the value of the attribute (keyword), and its importance degree. There exists a conceptual hierarchy 310 of the attribute 1 as the background knowledge corresponding to the attribute 1 and, in the conceptual hierarchy 310, there are low level attribute values--"apple", "strawberry", and "pear"--of the attribute value "fruit" therefore there is an arrangement of values of attributes.]

Therefore it would have been obvious to one of ordinary skill in the art to have modified Wolff to include the steps of having **selection means which selects an attribute item, magnitudes of which can be compared, from attribute items included in retrieval conditions of the service; and output means which rearranges a plurality of items of service information included in the retrieval result based upon values of the attribute items selected by said selection means included in each item of service information to output the service information** based on the disclosure of Hattori for the purpose of the "...specify[ing] an appropriate retrieval condition which precisely indicates what information he really wants and what he knows about the information to be retrieved." (Hattori, Col. 2 lines 10-12) This would solve the problem such as a "less restrictive" condition returning more data items than are expected by the user, In this case,

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the user must specify a more restrictive retrieval condition to reduce the number of data items (Hattori, Col. 1 lines 38-47).

Claim 16:

Wolff discloses **a service retrieval method which retrieves a service provided by a server connected to a network in response to a request from a client and returns a result of the retrieval [Wolff, Abstract service providing system], comprising:**

a retrieval step of setting retrieval conditions in response to a request of the client and retrieves a service based upon the set retrieval conditions[Col. 6 lines 17-25, Wolff. The service requests (service request coming from client) typically will include information indicating (i.e. condition) the type of service desired or the functions the service preferably will perform. The service request information preferably is adequate to allow the service manager 160 to match or filter the service requests against services that have been registered with the service manager 160 and are known to be available.];

However, Wolff does not explicitly disclose a

retrieval result judgment step of judging whether or not a result of the retrieval by said retrieval step satisfies judgment criteria set in advance; and, a reply step of returning the result of the retrieval by said retrieval means to said client, wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval conditions and performs retrieval again.

On the other hand, Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).

Therefore it would have been obvious to one of ordinary skill at the time the invention was made to modify Wolff to include the step of **retrieval result judgment step of judging whether or not a result of the retrieval by said retrieval step satisfies judgment criteria set in advance; and, a reply step of returning the result of the retrieval by said retrieval means to said client, wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval conditions and performs retrieval again**, based on the disclosure of Hattori for the purpose of the "...specify[ing] an appropriate retrieval condition which precisely indicates what information he really wants and what he knows about the information to be retrieved." (Hattori, Col. 2 lines 10-12) This would solve the problem such as a "less restrictive" condition returning more data items than are expected by the user, In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items (Hattori, Col. 1 lines 38-47).

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Claim 17:

Wolf modified with Hattori disclose **the service retrieval method according to claim 16 and furthermore disclose, wherein, when it is judged by said retrieval result judgment step that the number of services included in the retrieval result has not reached the lower limit number of services set as the judgment criteria, said retrieval step changes the retrieval conditions so as to be wider and performs retrieval again** [Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).].

Claim 18:

Wolf modified with Hattori disclose **the service retrieval method according to claim 17, wherein said retrieval means performs retrieval with respect to a new retrieval range excluding the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47. "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items. And a "too restrictive" condition returning less data items than are expected by the user.”

(i.e. retrieves at different ranges with different retrievals.)].

Claim 19:

Wolff modified with Hattori discloses **the service retrieval method according to claim 16, wherein, when it is judged by said retrieval result judgment step that the number of services included in the retrieval result has exceeded the upper limit number of services set as the judgment criteria, said retrieval step changes the retrieval conditions so as to be narrower and performs retrieval again** [Hattori, Col. 1 lines 38-47, "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.]

Claim 20:

Wolff modified with Hattori discloses **the service retrieval method according to claim 19, wherein said retrieval step performs narrowing-down retrieval of the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47, "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.]

Claim 21:

Wolff modified with Hattori discloses **the service retrieval method according to claim 16, further comprising a reply step of rearranging the result of the retrieval by said retrieval step based upon values with respect to attribute items included in the retrieval conditions,**

and then returns the retrieval result to said client [Hattori, Col. 11 lines 39-61. The retrieval request input section 110 has a retrieval request consisting of an attribute, the value of the attribute (keyword), and its importance degree. There exists a conceptual hierarchy 310 of the attribute 1 as the background knowledge corresponding to the attribute 1 and, in the conceptual hierarchy 310, there are low level attribute values--"apple", "strawberry", and "pear"--of the attribute value "fruit" therefore there is an arrangement of values of attributes.].

Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6950847 by Harrisville-Wolff (hereafter Wolff) and U.S. Patent 5761496 by Hattori (hereafter Hattori) as applied to claims 1-7 and 15-21 above and in further view of Background of Application (hereafter Background).

Claim 8:

Wolff discloses a plurality of service retrieval apparatuses which provide a retrieval service for retrieving a service provided by a server connected to a network in response to a request from a client and returning a result of the retrieval [Wolff, Figure 1, service provider(server) connected to client system through network.], comprising:

However, Wolff does not **explicitly disclose retrieval result judgment means which judges whether or not a result of the retrieval by said retrieval means satisfies judgment criteria set in advance, wherein, when it is judged by said retrieval result judgment means that the**

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retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval range corresponding to the request from said client and performs retrieval again.

On the other hand, Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).

Therefore it would have been obvious to one of ordinary skill at the time the invention was made to modify Wolff to include the steps of **retrieval result judgment means which judges whether or not a result of the retrieval by said retrieval means satisfies judgment criteria set in advance, wherein, when it is judged by said retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, said retrieval means changes the retrieval range corresponding to the request from said client and performs retrieval again,** based on the disclosure of Hattori for the purpose of the "...specify[ing] an appropriate retrieval condition which precisely indicates what information he really wants and what he knows about the information to be retrieved." (Hattori, Col. 2 lines 10-12) This would solve the problem such as a "less restrictive" condition returning more data items than are expected by the user, In this

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case, the user must specify a more restrictive retrieval condition to reduce the number of data items (Hattori, Col. 1 lines 38-47).

However Wolff modified with Hattori does not explicitly teach

a service information database which stores service information including address information and installation position information of said server and attribute information of a service provided by said server.

stores address information and installation position information of a service retrieval apparatus with each sub-network included in a retrieval range;

retrieval range setting means which, by retrieving said service retrieval apparatus database based upon inputted retrieval conditions, specify one or more service retrieval apparatuses conforming to the retrieval conditions and set sub-networks, which correspond to said specified service retrieval apparatuses, as a retrieval range for the request;

retrieval means which causes said retrieval range setting means to set a range for retrieval in response to a request from said client and requests its own service retrieval apparatus or other service retrieval apparatuses included in the set

retrieval range to perform retrieval to thereby execute service retrieval

On the other hand, applicant has admitted within the Background of the Application (Page 3- lines 20-28 to page 4 lines 1-2) that “information such as service locations and service attributes obtained as a result of the retrieval is provided to a user.”

Background, page 4 lines 11-20, a range to be a target of retrieval in the network is set, disclosed service information is retrieved in the set retrieval range, and information such as service locations and service attributes obtained as a result of the retrieval is provided to a user.

Background, page 4 lines 11-20, depending upon retrieval conditions designated by a user, it is possible that services satisfying the retrieval conditions exist in an extremely large number in a retrieval range set in the conditions. In this case, information on the extremely large number of service is returned to the user. The user having received such a retrieval result resets a retrieval range or changes the retrieval conditions to request a retrieval service again in order to narrow down the information.

Therefore it would have been obvious to one of ordinary skill at the time the invention was made to have modified Wolff to include the steps of providing address information and installation position information of server based on the Background of the Application. Both inventions are directed towards providing a service. A skilled artisan would have been motivated to do so in order to allow a user to obtain a specific service [Background, page 3 lines 20-28 to page 4 lines

1-2]. Which allows for wanted and needed services for users of the system while avoiding unwanted services.

Claim 9:

Wolff modified with Background and Hattori disclose **the service retrieval apparatuses according to claim 8 and furthermore disclose, wherein, when it is judged by said retrieval result judgment means that the number of services included in the retrieval result has not reached the lower limit number of services set as the judgment criteria, said retrieval means changes the retrieval conditions according to the request from said client so as to be wider and performs retrieval again** [Hattori discloses using retrieval parameters which reflect the user's retrieval strategy (judgment), the system modifies parameters, generates a new retrieval expression and, based on this retrieval expression, executes retrieval again so that the user's retrieval strategy and background knowledge can be reflected (Hattori, Col. 7 lines 25-35), and further discloses a retrieval result obtained by information retrieval on a trial and error basis shows that the condition is "less restrictive" or "too restrictive". A "less restrictive" condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47).].

Claim 10:

Wolff modified with Background and Hattori disclose **the service retrieval apparatuses according to claim 9, wherein said retrieval means performs retrieval with respect to a new retrieval range excluding the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47. "less restrictive" condition returning more data items than are

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expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items. And a "too restrictive" condition returning less data items than are expected by the user." (i.e. retrieves at different ranges with different retrievals.)]

Claim 11:

Wolff modified with Background and Hattori disclose **the service retrieval apparatuses according to claim 8, wherein, when it is judged by said retrieval result judgment means that the number of services included in the retrieval result has exceeded the upper limit number of services set as the judgment criteria, said retrieval means changes the retrieval conditions corresponding to the request from said client so as to be narrower and performs retrieval again** [Hattori, Col. 1 lines 38-47. "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.].

Claim 12:

Wolff modified with Background and Hattori disclose **the service retrieval apparatuses according to claim 11, wherein said retrieval means performs retrieval with respect to a new retrieval range excluding the range for which retrieval has already been performed** [Hattori, Col 7 lines 25-35. new retrieval of results based on new conditions].

Claim 13:

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Wolff modified with Background and Hattori disclose **The service retrieval apparatuses according to claim 12, wherein said retrieval means performs narrowing-down retrieval of the range for which retrieval has already been performed** [Hattori, Col. 1 lines 38-47, "less restrictive" condition returning more data items than are expected by the user. In this case, the user must specify a more restrictive retrieval condition to reduce the number of data items.]

Claim 14:

Wolff modified with Background and Hattori disclose **the service retrieval apparatuses according to claim 8, further comprising reply means which rearranges the result of the retrieval by said retrieval means based upon values with respect to attribute items included in the retrieval conditions, and then returns the retrieval result to said client** [Hattori, Col. 11 lines 39-61. The retrieval request input section 110 has a retrieval request consisting of an attribute, the value of the attribute (keyword), and its importance degree. There exists a conceptual hierarchy 310 of the attribute 1 as the background knowledge corresponding to the attribute 1 and, in the conceptual hierarchy 310, there are low level attribute values--"apple", "strawberry", and "pear"--of the attribute value "fruit" therefore there is an arrangement of values of attributes.].

Response to Arguments

Applicant's arguments filed 3/16/2006 have been fully considered but they are not persuasive.

Applicant's assert the following:

- 1. That Wolff and Hattori were directed to completely different subject matter. Thus, one of ordinary skill in the art would not have been motivated to combine Wolff and Hattori. Even if combined, Wolff and Hattori would not have rendered obvious the retrieval result judgment means recited in claims 1, 8, and 16.**

The examiner respectfully disagrees. In response to applicant's argument that Wolff and Hattori are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, Wolff (Col. 4 lines 22-28) discloses that service managers include data collection mechanisms for collecting and storing other system information and the client request history information for use in providing the current service and in marketing, selecting, and providing future services in an individualized manner to each client. Wolff further illustrates (Figure 1 and Col. 3 lines 66-67 to Col. 4 lines 1-2) a service provider system for maintaining an up-to-date database of available services and for responding to user service requests by distributing services at the client systems. Essentially what is being described is a retrieval system.

Similarly, Hattori provides a retrieval system wherein there are client requests and retrieval of information from database. As acknowledged by the Applicants, page 3 of Applicant's response, "Hattori was directed to an information retrieval system that permitted users to retrieve information from databases." Thus, these references are analogous in that Wolff and Hattori

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are both directed to database retrieval systems. Additionally, the references are analogous in that both Wolff and Hattori solve the problem of providing a system to retrieve as closely matched data as the system is able to do. Essentially this is the same problem that the Applicants are trying to solve for the claimed limitation. Therefore under the existing case law, the references are analogous.

As to the statement, "Even if combined, Wolff and Hattori would not have rendered obvious the retrieval result judgment means recited in claims 1, 8, and 16". The examiner respectfully disagrees. As disclosed in Hattori, col. 7 lines 44-45, "...if a temporary retrieval result obtained through execution of retrieval expression does not satisfy a retrieval result condition set up by the user, the system modifies retrieval parameters, generates a new retrieval expression and based on the retrieval expression executes retrieval again." Thus performing the "result judgment means which judges whether or not a result of the retrieval by the retrieval means satisfies judgment criteria set in advance characterized in that, when it is judged by the retrieval result judgment means that the retrieval result does not satisfy the judgment criteria, the retrieval means changes the retrieval conditions and performs retrieval again" (specifications, 0015).

- 2. That, in Wolff, the client request or subscription was correctly expressed and thus did not need to be readjusted or improved via an interactive process. Wolff's system provided a listing of matching services, which may then be provided to the client for selection.**

Firstly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case the Wolff reference is attacked individually.

Secondly, in response, the examiner respectfully disagrees with Applicant's response that in Wolff the client request or subscription was correctly expressed and thus did not need to be readjusted or improved via an interactive process. In Wolff, Col. 8 lines 8-14, Wolff discloses the following:

"The service manager further includes a service selection tool for matching the service request received from the client system with one of the available services proxies. This matching may involve filtering the available services proxies based on methods or functions included in the services request. A listing of the matching services may then be provided to the client or alternatively, the most closely matching service proxy may be transferred to the client system automatically."

In particular, the matching may involve filtering based on functions and methods that were in the service request. That is, the filtering (i.e. a type of adjustment) although based on the service

request, is not the service request itself. Thereby, requiring adjustment of the request by filtering. Additionally, the service request may result in the matched services or the most closely matched services. Essentially, suggesting that the system is providing a system to retrieve as closely matched data as the system is able to give. Thus an improvement for determining the result in a most closely matched or matched result may include: if a retrieval result obtained through execution of the retrieval expression does not satisfy a retrieval result condition set, the system can modify retrieval parameters and thus generate a new retrieval expression and based on the retrieval expression executes again (Hattori, Col. 7 lines 25-35). Thus, performing similar retrieval as to the trial and error basis more efficiently (Hattori, Col. 7 lines 44-45), wherein the trial and error basis shows that the condition is "less restrictive" or "too restrictive" A "less restrictive" retrieval condition returns more data items than are expected by the user (Hattori, Col. 1 lines 38-47). That is, by utilizing the method of Hattori, it would improve Wolff's retrieval results. And further, lead to a more sensible result and still be operative. It would have been sensible and operative because if no matched services are available then a readjustment and therefore an improvement, such as one disclosed in Hattori, must occur in Wolff's system in order to provide the most closely matched results. Even if modification were not disclosed, modifying a retrieval request in order to obtain a more sensible result would not lead to a nonsensical result. A modification to retrieval requests in retrieval systems is generally for the purpose of improvement (As shown in Hattori). An improvement such as obtaining the most closely matched or matched result is an obvious reason for modifications in retrieval systems.

- 3. That in Hattori, a user often made interactive information retrievals, made judgment on the retrieval result, and readjusted the keywords or retrieval conditions so that better results may be obtained.**

Firstly, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the Hattori reference has been attacked individually.

Secondly, in response, the examiner respectfully disagrees with Applicant's response that a user often made judgment on the retrieval result and readjusted the keywords or retrieval conditions so that better results may be obtained.

The cited disclosure specifically states that "the system modifies retrieval parameters, generates a new retrieval expression and, based on the retrieval expression, executes the retrieval again" (Hattori, Col. 7 lines 30-34). Therefore, the judgment on the retrieval result is made by the system as well as readjusting the retrieval parameters.

As to the statement a user often made interactive information retrievals. That is not a valid argument. Client systems request data on the behalf of user requests for retrieval systems. Therefore it's obvious that in the current application that a client must request information for a

user. And further in Wolff a client must request information for a user. And lastly, in Hattori, a client system must request data for a user.

- 4. That Wolf was not related to modifying client requests. Thus, if Wolff is combined with Hattori, the client requests would have been modified to obtain different retrieval results which leads to a nonsensical result and is inoperative for the intended purposes of Wolff. Therefore, no motivation to combine Wolff and Hattori.**

See above reasons (under 1 and 2) why Wolff and Hattori if combined would lead to a sensible and operative result. See above rejections for motivations to combine.

- 5. As to claim 15, since Wolff and Hattori are directed to completely different subject matter.**

See above reasons why under the existing case law, the references are analogous.

- 6. One of ordinary skill in the art would not have been motivated to combine Wolf with Hattori because such combination would have been operative for it's intended purpose. Further, Wolf in view of Hattori and the Background would not have rendered obvious the retrieved result judgment means recited in claim 8.**

See above reasons (under 1 and 2) for operative purpose and rendering obvious the retrieved result judgment means.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicants disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

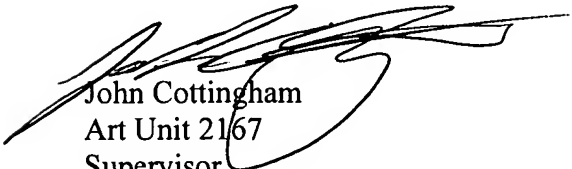
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 8am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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